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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,263	12/07/1999	JUSSI RUUTU	297-009078-U	6196

7590

01/04/2005

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/456,263

Applicant(s)

RUUTU ET AL.

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 09 July 2004 have been fully considered but they are not persuasive.
2. Referring to the rejection of claim 1, the Applicant contends and argues that the prior art Vidrascu et al. does not disclose an internet protocol (IP). The Examiner disagrees and asserts that Vidrascu et al. clearly discloses an internet protocol (IP) as the specified network layer protocol of the highway. (See Abstract) Vidrascu et al. also discloses an internet protocol (IP) being used as the network protocol in which enciphering messages while keeping the IP headers plain (not enciphered) and enciphering at the same time as the data at least a portion of the headers corresponding to the TCP and UDP transport protocols being used. (See Column 2, lines 1-6)
3. Referring to rejection of claim 1, the Applicant contends and argues that the prior art Vidrascu et al. does not disclose "indication of the information on which the processing is based". The Applicant is correct, however, the issue raised has already been addressed in the previous rejection in which, the Examiner states that Vidrascu et al. does not explicitly disclose an indication on which processing is based. That particular claimed feature is shown in Ghani et al. (See Column 6, lines 26-56, and Figure 4)
4. Therefore, the rejection of claims 1-11 are maintained in view of the reasons above and in view of the reasons below.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vidrascu et al. in view of Ghani et al. U.S. Patent No. 6,160,793. As per claims 1-5 and 11, Vidrascu et al. discloses a method for processing IP traffic within a TCP header. For each message, at least a part of the TCP header is encrypted at the same time as the "data" part of the message without encrypting the "header" part of the message. This will enable the transmission of the message according to the IP protocol, and if the headers are not encrypted, processing including "acknowledgements" are placed into the header to indicate processing. (See Column 12, lines 1-20, Figures 9 and 12). However, Vidrascu et al. does not explicitly disclose an indication on which processing is based into the header of a datagram. As per claim 1, Ghani et al. discloses a method indicating congestion within a network by using explicit congestion notification bits. ECN bits are placed within the IP header. The TCP header provides acknowledgments to the IP datagram for detecting lost data packets. During the IP protocol processing, congested network routers set the ECN bits in the IP headers. The bits are echoed back to the source by returning ACK packets. Upon receiving TCP ACK packets, this will

indicate to the IP datagram, the performance of data traffic over the network. (See Column 6, lines 26-56, and Figure 4)

Therefore it would have obvious to a person having ordinary skill in the art at the time the invention was made to modify Vidrascu et al.'s method of enciphering messages using IP and TCP protocols by combining Ghani et al.'s method for reducing congestion in networks. This will enhance the performance of IP data traffic over networks without requiring reconstructing packets. (See Ghani et al. in Column 3, lines 51-54)

As per claim 6, Vidrascu et al. as modified, discloses a means for having a window size field within a TCP header in Figure 10.

As per claim 7, Vidrascu et al. as modified, discloses a means for having an options field within the IPv4 header in Figure 9.

As per claims 8-10, Vidrascu et al. as modified, discloses a means for having a header comprising: a source port used for sending the IP traffic, a destination port used for receiving the IP traffic and a length field used for specifying the length of the extension header in Figure 11.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cdf

December 22, 2004



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**